

### **REMARKS**

This responds to the Final Office Action mailed on April 3, 2009.

Claims 1 and 15 are amended, no claims are canceled or added; as a result, claims 1-28 remain pending in this application.

#### **§ 112 Rejection of the Claims**

Claims 1-28 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description. In order to expedite prosecution, Applicant has amended claims 1 and 15 to remove certain elements of claims 1 and 15 that were asserted to lack adequate description.

Additionally, Applicant has amended the claims to recite that a service provider registers with the authentication service. Further, Applicant has amended claims 1 and 15 to include a recitation that a discovery agent determines that the gaming service is authorized for the gaming network. Support for this amendment may be found at page 15, lines 13-23 discussing a publication operation of the discovery agent. Applicant respectfully submits that the amendments overcome the rejection of claims 1-28 under 35 U.S.C. § 112.

#### **§ 103 Rejection of the Claims**

Claims 1-6, 9-20 and 23-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. Publication No. 2003/0163694 A1) and further in view of LeMay et al. (U.S. Patent 7,198,571 B2) and Hsu et al. (U.S. Publication No. 2003/0144859). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. See *Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385 (2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). Applicant respectfully submits that the claims as amended recite element not found in the cited combination of Chen, LeMay and Hsu.

For example, claim 1 as amended recites "in response to determining by the discovery agent that the gaming service is authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network." Claim 15 recites similar language with respect to a discovery agent authenticating a gaming service and publishing service details. Applicant has reviewed Chen, LeMay and Hsu and can find no teaching or suggestion of authenticating a gaming service in a discovery agent. LeMay does not disclose any discovery agent while Chen discloses a UDDI service at paragraph [0043]. However, there is no teaching or suggestion in Chen that the UDDI service is used to authorize services. Chen is directed to authenticating and authorizing users or business entities (see Abstract). LeMay is directed to using an authentication/authorization instrument such as a smart card, PDA or phone to authenticate a user and to determine if the user is authorized to use such services (see e.g. column 2, lines 22- column 3, line 29). There is no disclosure in either Chen or LeMay of authenticating gaming services, rather users or business entities are authenticated and authorized to utilize services. Further, there is no disclosure in Chen or LeMay that a discovery agent performs the authorization. Hsu fails to disclose any type of authentication or authorization.

In view of the above, claims 1 and 15 recite elements that are not disclosed by any of Chen, LeMay or Hsu, thus there are differences between claims 1 and 15 and the cited combination. Therefore claims 1 and 15 are not obvious in view of the combination of Chen, LeMay and Hsu. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 1 and 15.

Claims 2-6 and 9-14 depend from claim 1 and claims 16-20 and 23-28 depend from claim 15. These dependent claims inherit the elements of their respective base claims 1 and 15 and are not obvious in view of the combination of Chen, LeMay and Hsu for at least the reasons discussed above regarding their respective base claims. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 2-6, 9-14 and 16-20 and 23-28.

Claims 7, 8, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al. (U.S. Publication No. 2003/0163694 A1), Hsu et al. (U.S. Publication No. 2003/0144859) and Le May et al. (U.S. Patent 7,198,571 B2) as applied to claims 6 and 20 above, and further in view of Juitt et al. (U.S. Publication No. 2003/0087629 A1).

Claims 7-8 depend from claim 1 and claims 21-22 depend from claim 15. These dependent claims therefore inherit the elements of their respective base claims, including elements directed to "sending service information for a gaming service to a discovery agent on the gaming network" and "determining by the discovery agent using the authentication response that the gaming service is authentic." As discussed above, none of Chen, Lemay or Hsu teach or suggest such elements. Further, Applicant has reviewed Juitt and can find no teaching of suggestion of a discovery agent that receives service information from a service and that authenticates the service using an authentication service. Therefore, the combination of Chen, LeMay, Hus and Juitt fails to teach or suggest each and every element of claims 7-8 and 21-22, including elements inherited from their respective base claims. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 7-8 and 21-22.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 373-6954 to facilitate prosecution of this application.

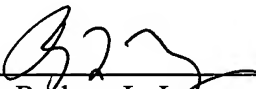
If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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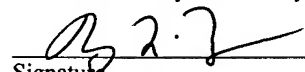
Date February 2, 2010

By

  
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